IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 2474 of 2007.

Chandrashekhar Kamlakar Dhabolkar ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr A. M. Saraogi, Advocate for the applicant.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 10th August, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in C.R. No.I/55/07 registered with A.P.M.C. Police Station, for the offence punishable under Sections 170, 468, 471, 420 read with Section 34 of the I.P.C.

4. According to the prosecution, the applicant is running a news paper by name "Jantechemat". One of his customers, co-accused had inserted one advertisement in his news-paper captioned as "Auto City Link - Rent a Car". According to the prosecution, by this adveritsement, applicant alongwith other co-accused induced public at large to invest

their money for purchase of car and that is how unauthorisedly collected huge amount of Rs.80,28,948/- from 250 various persons; some of them have lodged complaints which resulted in registration of crime against them.

5. Mr Saraogi, learned counsel appearing for the applicant, submits that the applicant being an Editor of the newspaper, can hardly be said to be a party to such collection of money. He submits that publication of the advertisement by itself cannot be an act constituting an offence of conspiracy as alleged against the applicant.

6. To counter above submission, the learned APP submits that the involvement of the present applicant in committing an offence of collecting huge amount in the fictitious names and making deposits thereof in the various banks in the fictitious names cannot be ruled out. He submits that the accused used to take classes to teach the technique as to how to induce people to invest their money in various schemes.

7. Having heard rival parties, I find it difficult to see any nexus between the present applicant and his customers who had inserted

their advertisement in the news paper inviting public at large to make investment with them. It is not uncommon for the news papers to insert advertisements of their customers in their daily news papers. Rather this is part of their business. Nothing much can be read in this behalf. Secondly, assuming that the applicant had given training or conducted classes to teach employees of his client or customers how to persuade investors to make investment may be by showing some allurements, that by itself, prima facie, would not constitute an act of committing offences alleged in the charge-sheet. In this view of the matter, prima facie; case is made out for grant of bail.

8. Under the above circumstances, I am inclined to grant bail to the applicant in the sum of Rs. 50,000/- with one or two sureties on following terms and conditions:-

a] The applicant arrested in connection with C.R.No.I/55/2007 registered with A.P.M.C. Police Station, shall be enlarged on bail in the sum of Rs. 50,000/-with one or two sureties in the like amount.

b] He shall report to Police Station once in a week i.e. Saturday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

9. Application is disposed of in above terms.

(V.C. DAGA,J.)